



Atty Dkt No.2300-0363.01
Client Dkt No. PP00363.115
PATENT

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2/3/05
Date

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of SCARLATO et al.

Serial No.: 10/695,499

Examiner: J. E. GRASER

Confirmation No.: 7930

Art Unit: 1645

Filed: October 28, 2003

For: MENINGOCOCCAL ANTIGENS

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,
Applicant(s) hereby submits the following information in conformance with 37 C.F.R.
§§1.97 and 1.98.

- ☐ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.
- ☒ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. 09/302,626 to which the above-identified application claims priority under 35 U.S.C. §120.

- ☐ Publication(s) _____ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to _____ application serial no. _____ and mailed on _____.
- ☐ Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) _____. English language publication _____ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) _____ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) _____ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☒ before the mailing date of a first office action on the merits; or
- ☐ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Please direct all further written communications in this application to:

Alisa A. Harbin
Chiron Corporation
Intellectual Property – R440
P.O. Box 8097
Emeryville, CA 94662-8097.

Dated: 2/3/05

Respectfully submitted,

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By: 

Roberta L. Robins
Reg. No. 33,208

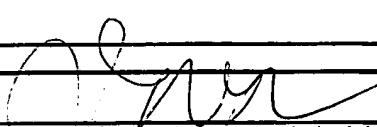
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PTO/SB/08A (08-00)

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | Complete if Known | | | |
| | | Application Number | 10/695,499 | | |
| | | Filing Date | October 28, 2003 | | |
| | | First Named Inventor | SCARLATO et al. | | |
| | | Group Art Unit | 1645 | | |
| Examiner Name | J.E. Graser | | | | |
| Sheet | 2 | of | 2 | Attorney Docket Number | 2300-0363 (PP00363.115) |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | |
|---|--------------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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| Examiner Signature |  | Date Considered | 2/17/03 |
|-----------------------|---|--------------------|---------|

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¹ Unique citation designation number.

² Applicant is to place a check mark here if English language Translation attached.

Attorney Docket No. 2300-0363.01 (PP00363.115)

PATENT

Express Mail Label No.: EL 985 780 159 US

Date of Deposit: 10/28/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of SCARLATO et al.

Serial No.: CON of 09/302,626

Examiner: Unassigned

Confirmation No.:

Art Unit: Unassigned

Filed: On even date herewith

For: MENINGOCOCCAL ANTIGENS

Mail Stop Patent Application
Commissioner for Patents
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Alexandria, VA 22313-1450

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UNDER 37 C.F.R. §1.97(b)**

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This Information Disclosure Statement is filed with the herein continuation application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Please direct all further written communications in this application to:


Alisa A. Harbin
Chiron Corporation
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Dated: 10/28/03

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By:

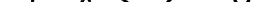

Roberta L. Robins
Reg. No. 33,208

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | CON of 09/302,626 |
| | | | | Filing Date | On even date herewith |
| | | | | First Named Inventor | SCARLATO |
| | | | | Group Art Unit | Unassigned <i>1045</i> |
| | | | | Examiner Name | Unassigned <i>(SAS)</i> |
| Sheet | 1 | of | 3 | Attorney Docket Number | 2300-0363 (PP00363.115) |

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| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|-----------------------|-------------------------|---------------------|--------------------------------------|--|--|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | T ⁶ |
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | |
| M | B1 | EP | 0 467 714 | A1 | Merck & Co., Inc. | 01-22-1992 | |
| | B2 | WO | 95/03413 | A1 | The Rockefeller University et al. | 02-02-1995 | |
| | B3 | WO | 96/29412 | A1 | IAF Bio Vac Inc. | 09-26-1996 | |
| | B4 | WO | 95/33049 | A2 | Pasteur Merieux Serums et Vaccins Transgene S.A. | 12-07-1995 | |
| | B5 | WO | 96/30519 | A1 | Washington University | 10-03-1996 | |

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| Examiner Signature |  | Date Considered | 3/17/05 |
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¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

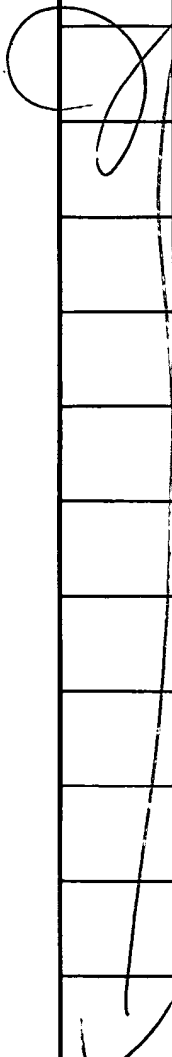
⁶ Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08A (08-00)

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | Complete if Known | | |
| | | | Application Number | CON of 09/302,626 | |
| | | | Filing Date | On even date herewith | |
| | | | First Named Inventor | SCARLATO | |
| | | | Group Art Unit | Unassigned | |
| Examiner Name | Unassigned | | | | |
| Sheet | 2 | of | 3 | Attorney Docket Number | 2300-0363 (PP00363.115) |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | |
|--|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|  | C1 | ALDEEN et al., "The meningococcal transferring-binding proteins 1 and 2 are both surface exposed and generate bactericidal antibodies capable of killing homologous and heterologous strains," <i>Vaccine</i> 14(1):49-53, 1996 | |
| | C2 | CONSTANTINO et al., "Development and phase I clinical testing of a conjugate vaccine against meningococcus A and C," <i>Vaccine</i> 10:691-698 | |
| | C3 | JAFARI et al., "Control and prevention of meningococcal disease: recommendations of the advisory committee on immunization practices (ACIP)," <i>MMWR</i> 46(RR-5):1-10, 1997 | |
| | C4 | LIEBERMAN et al., "Safety and immunogenicity of a serogroups A/C Neisseria meningitidis oligosaccharide-protein conjugate vaccine in young children," <i>JAMA</i> 275(19):1499-1503, 1996 | |
| | C5 | PERKINS et al., "Control and prevention of serogroup C meningococcal disease: evaluation and management of suspected outbreaks: recommendations for the advisory committee on immunization practices (ACIP)," <i>MMWR</i> 46(RR-5):13-21, 1997 | |
| | C6 | POOLMAN, "Development of a meningococcal vaccine," <i>Infections agents and Disease</i> 4:13-28, 1995 | |
| | C7 | ROKBI et al., "Evaluation of recombinant transferring-binding protein B variants from Neisseria meningitidis for their ability to induce cross-reactive and bactericidal antibodies against a genetically diverse collection of serogroup B strains," <i>Infection and Immunity</i> 65(1):55-63, 1997 | |
| | C8 | ROKBI et al., "Heterogeneity of tpbB, the transferring-binding protein B gene, among serogroup B Neisseria meningitidis strains of the ET-5 complex," <i>Clinical and Diagnostic Lab. Immun.</i> 4(5):522-529, 1997 | |
| | C9 | ROMERO et al., "Current status of meningococcal group B vaccine candidates: capsular or noncapsular?" <i>Clinical Microbio. Reviews</i> 7(4):559-575, 1994 | |
| | C10 | SCHUCHAT et al., "Bacterial meningitis in the United States in 1995," <i>New England J. of Medicine</i> 337(14):970-976, 1997 | |
| | C11 | WEDEGE et al., "Human antibody response to a group B serotype 2a meningococcal vaccine determined by immunoblotting," <i>Infection and Immunity</i> 51(2):571-578, 1986 | |

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|--------------------|---|-----------------|---------|
| Examiner Signature |  | Date Considered | 3/17/02 |
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